

Application No. 10/053,720
Amendment dated July 18, 2005
Reply to Office Action mailed on March 17, 2005

REMARKS/ARGUMENTS

Response is hereby made to the Office Action mailed on March 17, 2005. Claims 25 and 26 are amended.

Rejection under 35 U.S.C. 102

Claims 8-10 and 25-27 were rejected under 35 U.S.C. 102(b) as being anticipated by Hoyt (US 474,662).

Rejection under 35 U.S.C. 103(a)

Claims 11-13, 21-23 and 28 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hoyt in view of King (US 3,596,759) and legal precedent.

Applicant respectfully traverses the rejections.

Claim 8 should be allowable because Hoyt does not use or disclose a hopper with water means for introducing water to the hopper.

Claims 9-11 should be allowable as being dependent upon allowable claim 8. Furthermore, they should be allowable because nothing in the cited references teaches, discloses or suggests inter alia the elements of this claim. The suggested combination of the elements of King and Hoyt to render claim 11 obvious is impermissible hindsight.

Claims 12 and 13 should be allowable because nothing in the cited references teaches, discloses or suggests inter alia the elements of these claims. The suggested combination of the elements of King and Hoyt to render the claims obvious is impermissible hindsight.

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Claims 21-23 should be allowable because nothing in the cited references teaches, discloses or suggests inter alia the elements of these claims. The suggested combination of the elements of King and Hoyt to render the claims obvious is impermissible hindsight.

Claim 25 was amended to further distinguish the invention over the prior art. The prior art does not disclose or suggest a sand tank for receiving material from the second outlet of the separator, and means for flowing material out of the sand tank. Accordingly, it should be allowable because nothing in the cited references teaches, discloses or suggests inter alia the elements of this claim.

Claims 26 was amended to further distinguish the invention over the prior art. The prior art does not disclose or suggest the means for flowing material out of the sand tank providing a flow path from the sand tank to the first water holding tank. Accordingly, it should be allowable because nothing in the cited references teaches, discloses or suggests inter alia the elements of this claim.

Claims 27 and 28 should be allowable as being dependent on allowable claim 26. Further, they should be allowable because nothing in the cited references teaches, discloses or suggests inter alia the elements of those claims.

Benefit under 35 U.S.C. 119(e)

Applicant claimed the benefit under 35 U.S.C. 119(e) of the United States provisional application number 60/262546 filed on January 17, 2001. The Examiner did not acknowledge that benefit because allegedly the provisional application was filed on January 16, 2001. Applicant

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respectfully submits that the correct filing date of that provisional application is January 17, 2001 and will file appropriate petition requesting acknowledgment of that claim.

Applicant requests for an extension of time of one month to make this response timely and an extension fees therefor is being paid by credit card payment herewith..

In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance and that a timely Notice of Allowance be issued in this case. The Examiner is invited to telephone the undersigned at the telephone number listed below if it would in any way advance prosecution of this case.

Respectfully submitted,

Dated: JULY 18, 2005

By: AT
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